

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOE HAND PROMOTIONS, INC.,)	Case No.: 10-CV-01614-LHK
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S <i>EX</i>
)	<i>PARTE</i> APPLICATION FOR AN
v.)	ORDER VACATING THE CASE
)	MANAGEMENT CONFERENCE
THOMAS RICH MCINNIS, et al.,)	
)	
Defendants.)	
)	

Plaintiff filed an ex parte application for an order vacating the Case Management Conference in this action, currently set for Wednesday, December 15, 2010 at 2:00 P.M. Plaintiff claims that this request is necessitated by the fact that Plaintiff will soon be filing an application for default judgment.

Plaintiff is correct that the clerk entered default as to defendants Thomas McInnis and Sarah Unger. *See* Dkt. Nos. 19, 28. Defendant McInnis, however, timely filed his answer with the clerk of this court. *See* Dkt. No. 29. For unknown reasons, the answer was not entered on ECF until after the entry of default. Thus, default against Defendant McInnis appears to have been entered in error. Until this error is addressed, the Court will not entertain a motion for default judgment against Defendant McInnis.

Therefore, Plaintiff's motion is DENIED. Parties shall appear for the Case Management Conference set for Wednesday, December 15, 2010 at 2:00 P.M. in courtroom 4, 5th floor and be prepared to address the propriety of the entry of default against Defendant McInnis.

IT IS SO ORDERED.

Dated: December 13, 2010



LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California